

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jun 22, 2022

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JEREMY OLSEN,

Plaintiff,

v.

XAVIER BECERRA, in his official
capacity as Secretary of the United
States Department of Health and
Human Services,

Defendant.

No. 2:21-cv-00326-SMJ

**ORDER SETTING MODIFIED
DEADLINES AND BRIEFING
SCHEDULE**

A telephonic scheduling conference was held in the above-entitled matter on **June 16, 2022**. James Charles Pistorino and Roger M. Townsend appeared on behalf of Plaintiff. Brian M. Donovan and John T. Drake appeared on behalf of Defendant. The parties filed a Rule 26(f) Report. ECF No. 48. The Court, having reviewed the documents in the file and discussed the adoption of a scheduling order with counsel, now enters the following scheduling order. The dates set forth in this Order may be amended **only** by Order of the Court and upon a showing of good cause.

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IT IS ORDERED:

1. Add Parties, Amend Pleadings, and Class Certification

The parties shall, no later than **July 15, 2022**, file any documents related to the amendment of pleadings or the addition of parties. Additionally, the parties shall file any motion for class certification no later than **July 15, 2022**.

2. Summary Judgment Motions Briefing Schedule

A. Plaintiff shall file any additional **motion for summary judgment** no later than **September 19, 2022**;

B. Defendant shall file any **responses** no later than **October 31, 2022**;

C. Defendant shall file any **cross motion for summary judgment** no later than **October 3, 2022**;

D. Plaintiff shall file any **responses** no later than **October 17, 2022**

E. If parties seek oral argument on any motion for summary judgment, Counsel shall contact the Courtroom Deputy for a hearing date and note the motion for that date and time. Any motion for summary judgment without oral argument must be set for hearing **at least 50 days after filing**.

F. This briefing schedule applies to Plaintiff's Motion for Summary Judgment and Permanent Injunction, ECF No. 51.

1 **3. Discovery Motion Deadline**

2 The parties shall file any **motions for discovery** no later than **July 1, 2022**
3 and **responses** shall be filed no later than **July 8, 2022**.

4 **4. Discovery Cutoff**

5 All discovery, including depositions and perpetuation depositions, shall be
6 completed by **September 12, 2022** (Discovery Cutoff). The parties shall not file
7 discovery on CM/ECF except those portions necessary to support motions or
8 objections.

9 **A. Interrogatories, Requests for Production, and Requests for**
10 **Admission**

11 All interrogatories, requests for production, and requests for admission shall
12 be served on the opposing party no later than seventy (70) days prior to the
13 Discovery Cutoff. Requests for production shall be limited to thirty (30) requests,
14 including subsections. A party needing relief from this limitation should seek relief
15 from the Court by motion.

16 **B. Protective Orders**

17 All motions for protective orders must be filed and served no later than forty
18 (40) days prior to the Discovery Cutoff.

19 **C. Motions to Compel**

20 All motions to compel discovery must be filed and served no later than thirty
(30) days prior to the Discovery Cutoff.

1 **5. Notice of To-Be-Adjudicated Claims and Affirmative Defenses**

2 Each party shall file and serve a notice **no later than one (1) week after the**
3 **Discovery Cutoff** indicating which previously plead claims and/or affirmative
4 defenses will be adjudicated at trial.

5 **6. General Court Protocol**

6 **A. Conduct of Counsel**

7 Counsel are to read and abide by Local Civil Rule 83.1 and Washington Rule
8 of Professional Conduct 3.4.

9 **B. Exhibits at Hearings**

10 In accordance with Local Civil Rule 83.1(f), each party shall bring to any
11 hearing on the merits, photocopies of their relevant pre-marked exhibits for the
12 Court, opposing counsel, and testifying witness, unless it is not possible to do so
13 because of the nature of an exhibit.

14 **C. Time Sensitive Material**

15 Any time-sensitive materials should be faxed to the Judge's chambers at 509-
16 943-8161.

17 **D. Emailing the Court**

18 Whenever a party emails documents, as required by the Court, to
19 MendozaOrders@waed.uscourts.gov, those documents shall be in Microsoft Word
20 or text-only format. Additionally, the subject line of the email shall be as follows:

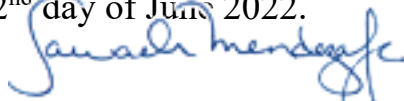
[Case Name; Case Number; Document Title; Label for Attached Document].

7. Summary of Deadlines

Discovery Motion Deadline Motion Due: Response Due:	July 1, 2022 July 8, 2022
Deadline to add parties, amend pleadings, and file for class certification	July 15, 2022
Discovery Cutoff	September 12, 2022
Plaintiff Motions for Summary Judgment: Motion due: Responses due:	September 19, 2022 October 31, 2022
Defendant Cross Motions for Summary Judgment: Motion due: Responses due:	October 3, 2022 October 17, 2022
All interrogatories, requests for production, and requests for admission, served	70 Days Before Discovery Cutoff
Motions for protective orders filed	40 Days Before Discovery Cutoff
Motions to compel discovery filed	30 Days Before Discovery Cutoff
Notice of to-be-adjudicated claims and affirmative defenses filed	1 Week After Discovery Cutoff

IT IS SO ORDERED. The Clerk's Office is directed to enter this Order and provide copies to all counsel.

DATED this 22nd day of June 2022.



SALVADOR MENDOZA, JR.
United States District Judge